



General Assembly

Amendment

January Session, 2015

LCO No. 8688



Offered by:

REP. TONG, 147th Dist.
REP. STAFSTROM, 129th Dist.
REP. BARAM, 15th Dist.
REP. SMITH, 108th Dist.

REP. HARDING, 107th Dist.
REP. REBIMBAS, 70th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. KISSEL, 7th Dist.

To: Subst. House Bill No. **6774**

File No. 728

Cal. No. 462

"AN ACT CONCERNING ADOPTION OF THE CONNECTICUT UNIFORM POWER OF ATTORNEY ACT."

1 Change the effective date of sections 1 to 56, inclusive, to "Effective
2 July 1, 2016"

3 In lines 87 and 412, after "public", insert ", a commissioner of the
4 Superior Court"

5 In line 147, strike "or an appropriate governmental official"

6 In line 216, strike "or an appropriate governmental"

7 In line 217, strike "official"

8 Strike lines 242 to 244, inclusive, in their entirety and substitute the
9 following in lieu thereof:

10 "Sec. 11. (NEW) (*Effective July 1, 2016*) (a) A principal may designate
11 two or more persons to act as coagents. Unless the power of attorney
12 otherwise provides by use of the word "severally" in the power of
13 attorney that each agent acting alone is able to exercise the power
14 conferred, each coagent shall exercise its authority jointly."

15 In line 245, strike "independently."

16 In line 284, strike "Unless" and substitute "Once a power of attorney
17 is delivered, unless" in lieu thereof

18 In line 333, after the period, insert "An agent shall not be considered
19 to have special skills or expertise solely because such agent is an
20 attorney."

21 In line 449, after "certification", insert a comma

22 In line 507, after "established" insert "for a disabled person"

23 In line 509, strike "attorney in fact" and insert "agent" in lieu thereof

24 Strike section 41 in its entirety and substitute the following in lieu
25 thereof:

26 "Sec. 41. (NEW) (*Effective July 1, 2016*) (a) The use of the following
27 form in the creation of a power of attorney is authorized, and, when
28 used, it shall be construed in accordance with the provisions of
29 sections 1 to 45, inclusive, of this act:

30 "Notice: The powers granted by this document are broad and
31 sweeping. They are defined in Connecticut Uniform Power of Attorney
32 Act, which expressly permits the use of any other or different form of
33 power of attorney desired by the parties concerned. The grantor of any
34 power of attorney or the agent may make application to a court of
35 probate for an accounting as provided in subsection (b) of section 45a-
36 175, of the general statutes. This power of attorney does not authorize
37 the agent to make health care decisions for you.

38 Know All Persons by These Presents, which are intended to
39 constitute a GENERAL POWER OF ATTORNEY pursuant to
40 Connecticut Uniform Power of Attorney Act:

41 That I (insert name and address of the principal) do hereby
42 appoint (insert name and address of the agent, or each agent, if
43 more than one is designated) my agent(s) TO ACT

44 If more than one agent is designated and the principal wishes each
45 agent alone to be able to exercise the power conferred, insert in this
46 blank the word 'severally'. Failure to make any insertion or the
47 insertion of the word 'jointly' shall require the agents to act jointly.

48 First: In my name, place and stead in any way which I myself could
49 do, if I were personally present, with respect to the following matters
50 as each of them is defined in the Connecticut Uniform Power of
51 Attorney Act to the extent that I am permitted by law to act through an
52 agent:

53 (Strike out and initial in the opposite box any one or more of the
54 subdivisions as to which the principal does NOT desire to give the
55 agent authority. Such elimination of any one or more of subdivisions
56 (A) to (M), inclusive, shall automatically constitute an elimination also
57 of subdivision (N).)

58 To strike out any subdivision the principal must draw a line
59 through the text of that subdivision AND write his initials in the box
60 opposite.

- | | | | |
|----|-----|--|-----|
| T1 | (A) | real estate transactions (real property); | () |
| T2 | (B) | chattel and goods transactions (tangible personal property); | () |
| T3 | (C) | bond, share and commodity transactions (stocks and bonds); | () |
| T4 | (D) | banking transactions (banks and other financial institutions); | () |
| T5 | (E) | business operating transactions (operation of entity or | () |
| T6 | | business); | |
| T7 | (F) | insurance transactions (insurance and annuities); | () |

T8	(G)	estate transactions (estates, trusts, and other beneficial	()
T9		interests);	
T10	(H)	claims and litigation;	()
T11	(I)	personal relationships and affairs (personal and family	()
T12		maintenance);	
T13	(J)	benefits from military service (benefits from governmental	()
T14		programs or civil or military service);	
T15	(K)	records, reports and statements;	()
T16	(L)	retirement plans;	()
T17	(M)	Taxes;	()
T18	(N)	all other matters;	()
T19		
T20		
T21		
T22		

61 (Special provisions and limitations may be included in the statutory
62 form power of attorney only if they conform to the requirements of the
63 Connecticut Uniform Power of Attorney Act.)

64 (Strike out below and initial in the opposite box any one or more of
65 the subdivisions as to which the principal does NOT desire to give the
66 agent authority. To strike out any subdivision the principal must draw
67 a line through the text of that subdivision AND write his initials in the
68 box opposite).

69 (CAUTION: Granting any of the following will give your agent the
70 authority to take actions that could significantly reduce your property
71 or change how your property is distributed at your death)

72 YOU SHOULD SEEK LEGAL ADVICE BEFORE

73 INCLUDING THE FOLLOWING POWERS:

T23 (O) (Create, amend, revoke or terminate an inter vivos trust, ()

- T24 provided in the case of a trust established for a disabled
T25 person pursuant to 42 USC 1396p (d)(4)(A) or 42 USC
T26 1396p (d)(4)(C), the creation of such trust by an agent shall
T27 be only as permitted by federal law
T28
- T29 (P) Make a gift, subject to the limitations of the Connecticut ()
T30 Uniform Power of Attorney Act and any special
T31 instructions in this power of attorney. Unless otherwise
T32 provided in the special instructions, gifts per recipient may
T33 not exceed the annual dollar limits of the federal gift tax
T34 exclusion under Internal Revenue Code Section 2503(b), or
T35 if the principal's spouse agrees to consent to a split gift
T36 pursuant to Internal Revenue Code Section 2513, in an
T37 amount per recipient not to exceed twice the annual federal
T38 gift tax exclusion limit. In addition, an agent must
T39 determine that gifts are consistent with the principal's
T40 objectives if actually known by the agent and, if unknown,
T41 as the agent determines is consistent with the principal's
T42 best interest based on all relevant factors
T43
- T44 (Q) Create or change rights of survivorship ()
T45
- T46 (R) Create or change a beneficiary designation ()
T47
- T48 (S) Authorize another person to exercise the authority granted ()
T49 under this power of attorney
T50
- T51 (T) Waive the principal's right to be a beneficiary of a joint and ()
T52 survivor annuity, including a survivor benefit under a
T53 retirement plan
T54
- T55 (U) Exercise fiduciary powers that the principal has authority ()
T56 to delegate
T57

T58 (V) Disclaim or refuse an interest in property, including a ()
T59 power of appointment

74 Second: With full and unqualified authority to delegate any or all of
75 the foregoing powers to any person or persons whom my agent(s)
76 shall select;

77 Third: Hereby ratifying and confirming all that said agent(s) or
78 substitute(s) do or cause to be done.

79 In Witness Whereof I have hereunto signed my name and affixed
80 my seal this day of ..., 20...

81 (Signature of Principal) (Seal)

82 (ACKNOWLEDGMENT)

83 The execution of this statutory form power of attorney shall be duly
84 acknowledged by the principal in the manner prescribed for the
85 acknowledgment of a conveyance of real property.

86 No provision of this chapter shall be construed to bar the use of any
87 other or different form of power of attorney desired by the parties
88 concerned.

89 Every statutory form power of attorney shall contain, in boldface
90 type or a reasonable equivalent thereof, the "Notice" at the beginning
91 of this section.

92 (b) A power of attorney is a "statutory form power of attorney", as
93 this phrase is used in sections 1 to 45, inclusive, of this act, when it is in
94 writing, has been duly acknowledged by the principal and contains the
95 exact wording of clause First set forth in subsection (a) of this section,
96 except that any one or more of subdivisions (A) to (V) may be stricken
97 out and initialed by the principal, in which case the subdivisions so
98 stricken out and initialed and also subdivision (N) shall be deemed

99 eliminated. A statutory form power of attorney may contain
100 modifications or additions of the types described in sections 1 to 45,
101 inclusive, of this act.

102 (c) If more than one agent is designated by the principal, such
103 agents, in the exercise of the powers conferred, shall act jointly unless
104 the principal specifically provides in such statutory short form power
105 of attorney that they are to act severally.

106 (d) (1) The principal may indicate that a power of attorney duly
107 acknowledged in accordance with this section shall take effect upon
108 the occurrence of a specified contingency, including a date certain or
109 the occurrence of an event, provided that an agent designated by the
110 principal executes a written affidavit that such contingency has
111 occurred.

112 (2) The principal may indicate the circumstance or date certain upon
113 which the power of attorney shall cease to be effective.

114 Third:

115 LIMITATION ON AGENT'S AUTHORITY

116 An agent that is not my ancestor, spouse, or descendant MAY NOT
117 use my property to benefit the agent or a person to whom the agent
118 owes an obligation of support unless I have included that authority in
119 the special instructions.

120 Fourth:

121 DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

122 If my agent is unable or unwilling to act for me, I name as my
123 successor agent:

124 Name of Successor Agent:_____

125 Successor Agent's Address:_____

126 If my successor agent is unable or unwilling to act for me, I name as
127 my second successor agent:

128 Name of Second Successor Agent:_____

129 Second Successor Agent's Address:_____

130 Fifth:

131 EFFECTIVE DATE

132 This power of attorney is effective immediately unless I have stated
133 otherwise in the special instructions.

134 (e) The following optional informational form may be used as part
135 of the Statutory Form or as part of a separate document from the
136 Statutory Form.

137 IMPORTANT INFORMATION FOR AGENT

138 Agent's Duties

139 When you accept the authority granted under this power of
140 attorney, a special legal relationship is created between you and the
141 principal. This relationship continues until you resign or the power of
142 attorney is terminated or revoked. You must:

143 (1) Do what you know the principal reasonably expects you to do
144 with the principal's property or, if you do not know the principal's
145 expectations, act in the principal's best interest;

146 (2) Act in good faith;

147 (3) Do nothing beyond the authority granted in this power of
148 attorney; and

149 (4) Disclose your identity as an agent whenever you act for the
150 principal by writing or printing the name of the principal and signing
151 your own name as "agent" in the following manner:

152 (Principal's Name) by (Your Signature) as Agent

153 Unless the special instructions in this power of attorney state
154 otherwise, you must also:

155 (1) Act loyally for the principal's benefit;

156 (2) Avoid conflicts that would impair your ability to act in the
157 principal's best interest;

158 (3) Act with care, competence, and diligence;

159 (4) Keep a record of all receipts, disbursements, and transactions
160 made on behalf of the principal;

161 (5) Cooperate with any person that has authority to make health
162 care decisions for the principal to do what you know the principal
163 reasonably expects or, if you do not know the principal's expectations,
164 to act in the principal's best interest; and

165 (6) Attempt to preserve the principal's estate plan if you know the
166 plan and preserving the plan is consistent with the principal's best
167 interest.

168 Termination of Agent's Authority

169 You must stop acting on behalf of the principal if you learn of any
170 event that terminates this power of attorney or your authority under
171 this power of attorney. Events that terminate a power of attorney or
172 your authority to act under a power of attorney include:

173 (1) Death of the principal;

174 (2) The principal's revocation of the power of attorney or your
175 authority;

176 (3) The occurrence of a termination event stated in the power of
177 attorney;

178 (4) The purpose of the power of attorney is fully accomplished; or

179 (5) If you are married to the principal, a legal action is filed with a
180 court to end your marriage, or for your legal separation, unless the
181 special instructions in this power of attorney state that such an action
182 will not terminate your authority.

183 Liability of Agent

184 The meaning of the authority granted to you is defined in the
185 Connecticut Uniform Power of Attorney Act, sections 1 to 45,
186 inclusive, of this act. If you violate the Connecticut Uniform Power of
187 Attorney Act, sections 1 to 45, inclusive, of this act or act outside the
188 authority granted, you may be liable for any damages caused by your
189 violation.

190 If there is anything about this document or your duties that you do
191 not understand, you should seek legal advice.

192 After the last section, add the following and renumber sections and
193 internal references accordingly:

194 "Sec. 501. Section 29-1f of the general statutes is repealed and the
195 following is substituted in lieu thereof (*Effective July 1, 2016*):

196 (a) The clearinghouse established under section 29-1e shall collect,
197 process, maintain and disseminate information to assist in the location
198 of any missing person who (1) is eighteen years of age or older and has
199 a mental impairment, or (2) is sixty-five years of age or older, provided
200 a missing person report prepared by the Department of Emergency
201 Services and Public Protection has been filed by such missing person's
202 relative, guardian, conservator or [attorney-in-fact] agent appointed by
203 the missing person in accordance with [chapter 7] sections 1 to 45,
204 inclusive of this act, any health care representative appointed by the
205 missing person in accordance with section 19a-576 or a nursing home
206 administrator, as defined in section 19a-511, or, pursuant to section
207 17a-465b, by an employee of the Department of Mental Health and

208 Addiction Services who is certified under the provisions of sections 7-
 209 294a to 7-294e, inclusive. Such relative, guardian, conservator,
 210 [attorney-in-fact] agent, health care representative, nursing home
 211 administrator or employee shall attest under penalty of perjury that
 212 the missing person (A) is eighteen years of age or older and has a
 213 mental impairment, or (B) is sixty-five years of age or older. No other
 214 proof shall be required in order to verify that the missing person meets
 215 the criteria to be eligible for assistance under this subsection. Such
 216 relative, guardian, conservator, [attorney-in-fact] agent, health care
 217 representative, nursing home administrator or employee who files a
 218 missing person report shall immediately notify the clearinghouse or
 219 law enforcement agency if the missing person's location has been
 220 determined.

221 (b) Subject to available resources, the clearinghouse established by
 222 section 29-1e may collect, process, maintain and disseminate
 223 information to assist in the location of missing persons other than
 224 children and those persons who are eligible for assistance under
 225 subsection (a) of this section."

This act shall take effect as follows and shall amend the following sections:		
Sec. 11	<i>July 1, 2016</i>	New section
Sec. 41	<i>July 1, 2016</i>	New section
Sec. 501	<i>July 1, 2016</i>	29-1f